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April 26, 2006

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By Electronic Mail

Hon. Michael A. Telesca
Senior United States District Judge
2720 United States Courthouse
100 State Street
Rochester, NY 14614-1387
telesca@nywd.uscourts.gov

Re: Scheffer v. Civil Service Employees Ass'n, Local 828
No. 05-CV-6700T

Dear Judge Telesca:

This is to follow up on John Martin's letter to you of April 25 with respect to the briefing schedule for plaintiffs' motion for class certification. Currently the Court has scheduled a hearing on that motion for May 25, 2006.

I spoke with Mr. Martin yesterday following receipt of his letter and informed him that I had no objection to plaintiffs' request to submit a reply brief in support of their motion.

Because, however, defendants must complete certain discovery before filing their brief in opposition to class certification (including principally depositions of the plaintiffs and a third-party subpoena of documents from the National Right to Work Legal Defense Foundation), Mr. Martin and I agreed that it would be necessary to move back the briefing schedule somewhat. Subject to the Court's approval, the parties propose the following schedule:

- June 16, 2006 – Defendants' brief in opposition to class certification
- June 23, 2006 – Plaintiffs' reply brief in support of class certification

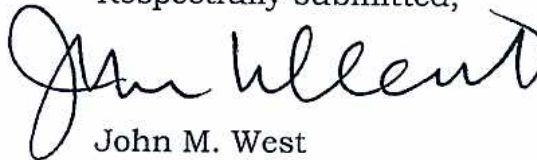
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- The parties suggest June 29, 2006, or a date thereafter at the Court's convenience, for a hearing on the class certification motion. (Both counsels' schedules are relatively clear during July, if late June is inconvenient for the Court.)

If the foregoing schedule is acceptable to the Court, the parties would very much appreciate it if you would endorse your order on this letter, indicating the new hearing date, in the space provided.

Thank you very much for your consideration.

Respectfully submitted,



John M. West
Counsel for Defendants

cc: John Martin, Esq.
Laurence B. Oppenheimer, Esq.
Jules L. Smith, Esq.

ORDER

It is hereby ordered that defendants shall have until June 16, 2006, to file their brief in opposition to plaintiffs' motion for class certification; that plaintiffs may file a reply brief in support of their motion no later than June 23, 2006; and that a hearing on plaintiffs' motion is set for J July 13, 2006, at 9:00 AM, before Hon. Michael A. Telesca.

SO ORDERED:

S/MICHAEL A. TELESCA

Hon. Michael A. Telesca
Senior United States District Judge

April 26, 2006

(date)